

REMARKS

The foregoing amendments and these remarks are submitted in response to the Office Action of July 23, 2004, and are believed to overcome all of the issues set forth therein.

Original Claims 1-12 and newly added Claims 13-18 are currently pending in the above-captioned application. The Office Action rejected Claims 1, 2, 11 and 12 under 35 U.S.C. § 102(b) as being assertedly anticipated by Enomoto, U.S. Patent No. 6,018,825, ("Enomoto"). The Office Action also rejected Claims 1 and 10-12 under 35 U.S.C. § 102(b) as being assertedly anticipated by Joyce et al., U.S. Patent No. 2,266,641, ("Joyce et al."). The Office Action rejected Claim 9 under 35 U.S.C. § 103(a) as being assertedly unpatentable over Enomoto in view of Moore, U.S. Patent No. 2,104,714, ("Moore").

The Office Action indicated that Claims 3-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the Applicant has presented new Claims 13-18 representing original Claims 3-8 rewritten in independent form.

Briefly summarized, the present invention provides a commode seat allowing for easier manual access to the perianal region of a person seated on the commode. In accordance with the invention, the commode seat comprises two basic components which distinguish the commode seat of the present invention from prior art: 1) a base plate hingedly connected to the rear portion of the bowl of the commode, and 2) two arm plates attached to and extending from the base plate and hingedly connected to one another in such a way that each is movable independently of the other to move between a closed position and an open position. The closed position is essentially the same position as a conventional commode seat. The open position is a position moving in an outward direction away from the rim of the commode. The present invention provides for movement of at least one of the arm plates, but even in an embodiment wherein both of the arm

plates are movable, it is conceived that one of the arm plates may remain in the closed position while the other arm plate is moved to the open position.

While the Applicant believes that the claims as originally drafted are patentably distinguishable over the prior art, in order to expedite prosecution, the Applicant has amended Claim 1 to further emphasize the distinctions between the present invention and the cited prior art references, in particular the independent movability of the arm plates. Additionally, the Applicant has presented new Claim 19 to further emphasize the independent movability of the arm plates. Applicant submits that no new matter has been added.

The Applicant submits that none of the cited prior art references discloses or suggests the combination of features taught in the present invention. That is, none of the cited prior art references has a base plate hingedly attached to the rear portion of a commode bowl and two arm plates attached to and extending from the base plate and hingedly connected to one another in such a way that each is independently movable of the other to move between a closed position and an open position.

Enomoto discloses a commode seat with two arm plates, which can be moved to accommodate a person, however, the two arm plates of Enomoto are moved simultaneously with one another. That is, if one of the arm plates is moved, then so to is the other of the arm plates. Further, Enomoto only discloses a commode with two arm plates that move simultaneously inwardly to make the opening of the commode smaller and then back to their original position at the rim of the commode. Enomoto does not disclose arm plates movable to extend outside the rim of the commode.

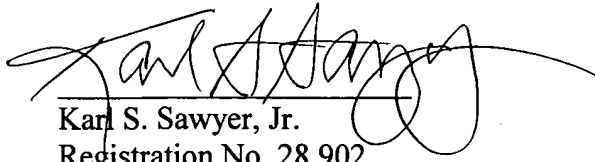
Joyce et al. discloses a conventional commode seat having two arm plates connected to the underside of the commode seat for movement inward to reduce the size of the opening in the

commode, however, Joyce et al. discloses no base to which the arm plates are connected, much less a base which is hingedly connected to the rear portion of the rim of the commode itself. Rather Joyce et al. discloses a metallic strap connecting member for attachment of the arm plates to the commode seat as opposed to the rear portion of the rim of the commode. Similarly to Enomoto, Joyce et al. also fails to disclose arm plates that move in a direction extending outside the rim of the commode.

Accordingly, none of the cited references anticipates the claims of the present application. Even if all of the cited references were considered together, there is nothing to suggest providing a commode seat with a base plate hingedly attached to the rear portion of a commode bowl and two arm plates attached to and extending from the base plate and hingedly connected to one another in such a way that each is independently movable of the other to move between a closed position and an open position. To the contrary, if anything, all of the references actually teach away from the present invention. Hence, the Applicant submits that the claims of the present invention are not anticipated by nor are they obvious because of the cited prior art references independently or in combination with one another.

In view of the foregoing, it is respectfully urged that the claims as amended and the amended specification are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karl S. Sawyer, Jr.', written over a horizontal line.

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